

The departmental budget reviews reconvened on April 9, 2010 at 1:39 p.m., and proceeded as follows:

(Mr. Change was noted excused.)

Mr. Kaneshiro: The Budget & Finance Chair will call this budget review back to order. At this time we have the County Attorney's Office, Mr. County Attorney, good afternoon.

AL CASTILLO (County Attorney): Good afternoon. For the record Al Castillo, County Attorney. First of all to start off I'd like to say that what you see behind of me is basically the Attorneys that are... have the opportunity to serve all of you, the County Council, the Council Services, the County Auditor in every aspect of what you do, all the research that you ask for. First of all I would like to all up the First Deputy, Amy Esaki... where is she? Okay never mine...

Mr. Kaneshiro: Okay go ahead.

Mr. Castillo: Mona Clark, come sit here please. Well just... to begin with last year I started off addressing all of you and you know talking about filling in the positions, our new positions... and which we did and what I would like to do is to introduce to you the Attorneys that have assemble that we have been able to assemble at the Office at the County Attorney. Mona Clark is in charge of the Housing Agency, in charge of the Agency of Elderly Affairs, she does contracts, conveyances, she Heads the... or provides services to the Boards of Ethics, Salary Commission and the Committee on the Status of Women. Her counterpart who is not here, Jennifer Winn basically, basically... the reason why I say counterpart is because what we try to do with the County Attorney's Office is to cross train and have a team type of approach so that at least you have somebody to cover for you and knows what's going on. Jennifer Winn does, she heads the Office of Economic Development, the County Transportation Agency, the Office of the Prosecuting Attorney, she's involved with collections and contracts, litigation, Real Property Tax appeals, she serves on the Board of Appeals for Tax, she sits on the Police Commission and the Charter Commission, I would like to say that in terms of who are the legal guys for Ethics questions for the Charter questions, it would be Mona Clark and Jenifer Winn.

And I'd like to call up... where's, where's Amy? You got to sit on this side please. And I'm doing this so that the people of Kaua'i also know... that our... the First Deputy at the County Attorney's Office is Amy Esaki, she brings forth, for me, the institutional knowledge that I don't have and the reason why I don't have it is you know, I was a Prosecutor from 1982 to the end of 1996 and did my private practice for twelve (12) years thereafter, so Amy fills in the gaps where I wasn't there with the County. She heads the Finance Department, the Parks Department, the Cost Control Commission and the Board of Water Supply and she was with the Board of Water before and I'm glad that she's your First Deputy with the County Attorney's Office. Thank you.

I'd like to call up Ian Jung and Michael Dahilig and what I've done, what I've done here at your County Attorney's Office is... this is, they actually engage in cross assignments because both of them head the Planning Department and the Public Works Department. Ian is primarily if the "go to" person for Planning would be Ian and the "go to" person for Public Works would be Mike, however they share equal responsibilities. It's a very volatile, those are very volatile Departments and both Ian and Mike Head the Planning Commission, on Ian's side he does Land Use Commission, Historical Preservation Commission and he also is involved in litigation. Mike in addition to Planning Commission, he is in charge of the Building Board of Appeals, the Public Access, Open Space, Natural Resources, Preservation Fund Committee, the Open Space Committee, contracts and litigation. As you will note we do have more litigators in our office I think now than we've ever had in the past. Thank you.

Mauna Kea Trask and Marc Guyot. Mauna Kea Trask is to the left of me, Marc Guyot is to the right. Mauna Kea Trask is in charge of the Liquor Department, Fire Department, Liquor Commission, Fire Commission, he does labor arbitrations, workman's comp, unemployment and also is one of our litigators. Marc Guyot, he heads the Department of Personnel Services, Civil Service Commission, Mayor's Advisory Committee for Equal Access, ADA Legal Compliance, Labor arbitration, work comp, unemployment and also litigation. I guess Mauna Kea and Marc like myself were Prosecutors in the past. Thank you.

Justin and Andrea. Justin Kollar and Andrea Suzuki. Justin heads the Kaua'i Police Department and when I was up here last year one of the things was where is Justin going to be physically... you know basically he does report at the Office of the County Attorney in the round building but every day he's at the Kaua'i Police Department, he does everything that you need to do in terms of supporting a Department like being the attorney... I mean he does employment, litigation, contracts and he is helping with the accreditation process with the Kaua'i Police Department and you know, that's a big task. Andrea is the newest person that has come on board, she heads the Department of Water and she does the same thing employment, litigation, contracts and everything you need to do with Water and as you all know it's a big task. Thank you.

I just wanted everybody to know the team that we've been able to or... put together. The Office of the County Attorney is very, we're focused on financial responsibility and like I said before when I came in last year we had thirty-two (32) Special Counsels on board and this past year what we had to do is we had to ask for assistance with two (2) Special Counsels and the reason for that is we couldn't get away from it is because we had to... there was... in both cases we couldn't get away from the conflict of interest and we had to go outside. You know we've developed litigation teams, in the past years in District Court, we've been able to collect fifty thousand eight hundred dollars (\$50,800.00) in shared appreciation cases, we've... we are going to collect some two hundred twenty-five thousand dollars (\$225,000.00), however what I'd like to add is accepting more cases, and accepting more responsibility that takes away from the need for Special Counsel, it does place more time and effort on the Office of the County Attorney. We do have a lot of work, all of the Departments create a lot of work for us, a lot of research, they need a lot of guidance, not only the Department I mean the Department would be one (1) side but the... for the entire county which again I have to say it's... it starts from and from this very room I mean, providing the support that we all need the County Council that's a lot for us to be doing. Now the reason why I bring that up is we are aware of the financial difficulties that face our county and streamlining our budget is not an easy task.

Like everyone else we've been asked to provide services with less money; however, I'd like you to know what I'd like everyone to keep in mind that we need to have reasonable expectations and that's why I say keeping the cases in-house expecting us to do the litigation that is required out there demands more of our attorneys and with more work means more attorney time, more support staff is needed. What I would like is as we keep providing services is my wish is what I experience as a Deputy Prosecutor way back when, when I was the First Deputy there under the Prosecutor Ryan Jimenez, the... I guess the youngest Deputy that we had served at least ten (10) years for the County. It would be great if the attorneys that you see here today serve at least that many years because not only will we have a force to be reckoned with I mean... everything will be consistent and the level that we will be able to provide as each year goes by, it's hard to value that. However that being said... keeping deputy's and providing the necessary training for the deputy's is something that's very important, we can be patient, we can cut our budget but then you know, we got to have reasonable expectations so. Thank you.

Mr. Kaneshiro: Thank you for that Mr. County Attorney, I'll go ahead and open this up for questions by our Committee members. Mr. Furfaro.



Mr. Furfaro: Thank you Chairman Kaneshiro. Mr. Castillo first of all thank you for having all eight (8) of your legal team here so that we can relate to their particular responsibilities and areas that you assign to them and that's very appreciative. I would like to send a question over for a later response but I would like to know how our Department (inaudible) actually match up to other Counties here in the State just to see a comparison of our staffing levels, I think that's extremely important. And I concur with you how important continuity is especially in the legal arena where time and exposure gets us a history and an application where people then understand individual style you might say and effectiveness so I do concur with that. And I also want to concur that you know I do look at the county receivables and we find ourselves in a lot better shape financially in the collections arena but now in the State of Hawai'i with eight percent (8%) foreclosure rates in the State and interest rates raising again, it's going to be something that we need to stay very close to. I would also like to say that one of the areas that we as a county and as a county team get ourselves into a little criticism; it's about...not just planning area enforcement but building code enforcement, financial collection enforcement and I have mentioned this to the Mayor when he made his presentation to us this morning that the Building Department and the Planning Department might be handling the same issue but there isn't kind of one person that is legally available to them so that they don't contradict each other things like the issuance of Special Permits and Building violations, I would think that we might be at a point especially as we start to do some of the litigation in-house that from an enforcement standpoint it almost might behooved us if we're going to improve to have another attorney who would be in particular in working on enforcement issues because they crossover, you know, they have Building over here that has an issue, they may make a decision that kind of contradicts the Planning Departments outcome on the same violation and I would like to hear from you, it doesn't have to be today on maybe that's the next step in our County Attorneys Department is to have somebody that can be a resource on permits and violations and so on.

Mr. Castillo: And Councilmember Furfaro it almost seems like you were there at our coordination meeting when I sat down with the Deputy's and with some of the Department Heads regarding exactly what you're talking about. Because when I came on board one of the things that first of all I had to manage the assignments, make sure that people got cross trained I had to determine the strengths and weaknesses of our departments and identified where we were weak at and this area of enforcement, especially in the violations. You know we've found that there is really no established policy, no coordinated effort and we have been working diligently towards having a policy, making it standard so that everyone knows what is expected and yeah so it seems like you know, it's amazing because what you're telling me is almost like you were there at the meeting.

Mr. Furfaro: Well I wasn't... but...

Mr. Castillo: Yeah I know, I know.

Mr. Furfaro: I have dealt consistently for the last seven and a half years with issue that come up in our various whether it's Public Works about Building violations, whether it's in Planning regarding permit violations you know it is consistently does come here that I think we need to find a way to constantly make improvements and I think you understand my point that you know, you don't want the Building Department to believe they have a settlement which actually conflicts with the outcome of what the Planning Department said the permit was there... there needs to be this person that's kind of... there for the Building Department, there for the coordination of these issues I mean we can put bigger fines in all of the ordinances but we got to collect them to.

Mr. Castillo: Yes.

Mr. Furfaro: And we got to correct them.

Mr. Castillo: Yes.

Mr. Furfaro: I would like to say I certainly you know support anything that you present to us that talks about how we're going to put more teach into enforcement.

Mr. Castillo: Okay and we're already addressing that and we will have something to present to this Council.

Mr. Furfaro: Thank you.

Mr. Kaneshiro: And as the County Attorney stated you know we've seen some of that take place Mr. Furfaro...

Mr. Furfaro: Yes.

Mr. Kaneshiro: We draft ordinances and look at different ordinances that come before us now it's beginning to become more consistent as to rules and reg's and so forth... so at the same time, you know it's an ongoing process that we're doing to and...

Mr. Furfaro: And I concur and that's why I said you know I look at the receivables and I know we're consistently making improvements but we might be at the point with other issues in our county now that we might want to expand on.

Mr. Kaneshiro: And I really appreciate your profile of all your deputy's and attorney's because it shows that you have them in all the different Departments and it shows that you know we're all trying to work to come up with the best way to resolve many of these issues so I really appreciate that.

Mr. Castillo: Thank you. You know I... my staff, I'm the luckiest guy, I really believe that and it makes my job very easy and... to have energetic, dedicated people behind me.

Mr. Kaneshiro: And, and you know County Attorney unfortunately for us the Charter specifically states that we have to balance an annual budget so...

Mr. Castillo: Yes.

Mr. Kaneshiro: So I can't do one for ten (10) years.

Mr. Castillo: Yes.

Mr. Kaneshiro: Just so you know.

Mr. Castillo: Yes I understand.

Mr. Kaneshiro: But thank you for the many efforts that your attorneys and you are doing to make this county a better county. Thank you.

Mr. Furfaro: So Chairman.

Mr. Kaneshiro: Go ahead.

Mr. Furfaro: I will submit to you a question...

Mr. Kaneshiro: Okay.

Mr. Furfaro: As for that comparison of staff to the other counties in Hawai'i.

Mr. Kaneshiro: Alright and we'll forward those questions unto you, you'll have it written and forward it unto you. Any other questions for the County Attorney's Office?  
Mr. Bynum.

Mr. Bynum: Thanks for the presentation Al and I just wanted to make sure that... I know I've shared it with you and hopefully you past it on that in my dealings with the Departmental people, I've been hearing a lot of positive things about the support they are getting from the County Attorney's Office whether it's Housing or Public Works and so if you didn't past that on, I'm hearing good things from the people and I think you know your office has areas that are kind of high profile and the community knows a lot about but the vast majority of the work I think that's comes out of your office is not high profile and it's pretty volumes and so I'm really appreciative of that work and have been patient as request I make take some time but because I know that you're doing your best job. Couple questions... when I saw that there was two hundred eighty-five thousand dollars (\$285,000.00) less in Special Council, I thought I might see a request to fund the law clerk that's dollar funded or an additional attorney's position or you know, because I think last year our discussion was if we can bring the Special Council down and bring some of these things in-house that as you said today, it would require more resources so, but it's kind of like we cut that there are no additional request in this budget that I see.

Mr. Castillo: We actually cut from last year and it's because we're committed to... well basically we're sensitive to what's going on out there in our community.

Mr. Bynum: And I got to... I don't want to read into anything of what you said but I got a sense that you're somewhat concern about whether you have enough resources to provide adequate training.

Mr. Castillo: Well do that because yeah... because if we are expected to provide a certain level of expertise and a certain level of work, and then it's hard to provide that level if we do not have the ongoing training and our training budget right now is... I would say is adequate for the times, and I'd just like to keep it that way.

Mr. Bynum: Okay thank you.

Mr. Kaneshiro: Thank you. Any other questions from our Committee members for the County Attorney's Office? If not, any comments? Go ahead Mr. Kawakami.

Mr. Kawakami: Thank you and thank you for the last statement about being realistic and (inaudible) and where we're at with our economy right now. I know you could have easily try to request more money but you know everybody's on the slab right now, taking some chops at their budget, the Prosecutors, yourself and you're addressing our situation realistically so thank you for making our job a little bit easier also and we'll try to do our part and make your job a little easier by staying out of trouble.

Mr. Furfaro: Well said.

Mr. Castillo: Thank you, I appreciate that.



Mr. Kaneshiro: If not, Mr. County Attorney thank you very much, I appreciate all of you being here today and I know we had... Jenifer Winn couldn't be here today.

Mr. Castillo: She's sick that's why.

Mr. Kaneshiro: Just wanted to recognize her again so thank you all and...

Mr. Castillo: Thank you.

Mr. Kaneshiro: And if we have any further questions, we're going to go ahead and have those questions forward on to your Department.

Mr. Castillo: Thank you.

Mr. Kaneshiro: As we go through the process there may come... some of my members may have some questions that come about so we're forward those questions to you, okay? Thank you. At this time I think we need to take a short recess because our next Department is not here yet, so we'll take a five (5) minute...

The County Attorney departmental budget review concluded at 2:06 p.m., and there being no objections, the meeting was in recess.